

**ARKANSAS PROFESSIONAL BAIL BOND COMPANY AND PROFESSIONAL
BAIL BONDSMAN LICENSING BOARD
February 9, 2007**

Chairman Smith called the meeting to order at 9:02 a.m.

Roll call was taken. The following members were present: Don Smith, Frank Sturgeon, Marc Oudin, Eugene Reynolds, Phyllis Carruth. Curt Clark and Lynn Williams were absent. Also present were board counsel, Assistant Attorney General Nancy Pryor; Executive Director, Tommy Reed; Board staff, and members of the audience.

Following a review of the Board Minutes for January 12, 2006, Mr. Sturgeon moved to approve the minutes as presented; second by Mr. Oudin. Ms. Carruth noted an error. Mr. Reed advised he would check his notes and correct the error. The Chair called for further discussion; hearing none the matter was put to a voice vote. The motion carried.

The Board then reviewed the Board Minutes for the January 24, 2007, Special Meeting. Mr. Oudin moved to approve the minutes as presented. Mr. Reynolds seconded. The Chair called for further discussion; hearing none the matter was put to a voice vote. The motion carried.

OLD BUSINESS

Transfers/Suspensions/Reinstatements:

A report was provided for information purposes: four (4) transfer requests were submitted and granted during the month. There were three (3) agent suspensions pursuant to notice of termination /resignation from companies.

Forfeitures - Open:

The Open Forfeiture Report was presented for review. The chair invited comment or discussion. There were favorable comments regarding the report being only one page and no large judgments listed. Mr. Reed advised he had received notice of an agreement from Crittenden County regarding judgments on Manuel Bail Bonds, Inc. He noted he had not yet received satisfaction orders but expected them. He said he understood Manuel had agreed to pay \$100,000 in satisfaction of approximately \$670,000 in judgments. He then noted recent developments in Phillips County regarding a \$100,000 judgment on Manuel.

Mr. Reynolds noted that a forfeiture (Brenda F. Allen) listed for Renny's Bail Bond Company had been paid. Mr. Reed advised he would check the records.

Mr. Sturgeon moved to suspend those licensees whose forfeitures were not timely paid between February 9, 2007 and the March 9, 2007 regular board meeting. Ms. Carruth seconded. The motion carried by voice vote.

Past Due Forfeitures:

The Past Due Forfeiture Report was presented for review. The Chair invited comment or discussion. There was no discussion.

1 **NEW BUSINESS**

2
3 **January Vouchers Paid**

4 A report of vouchers paid in January, 2007 was provided for information purposes. Chairman
5 Smith invited questions or discussion. There was no comment, question, or discussion and the
6 Board proceeded.
7

8 **License Approvals**

9 Seven (7) bondsman applications were submitted for approval and seven (7) applications were
10 submitted for tentative approval pending receipt and approval of necessary documentation. Mr.
11 Oudin moved to approve the applications, including tentative applications. Mr. Reynolds
12 seconded. The Chair called for discussion or comments; hearing none, the motion was put to a
13 vote. The motion carried with none opposed
14

15 **Request for Rule Change:**

16 The Board was provided a letter from Cross County Sheriff, Ronnie Baldwin, advising of his
17 concern about the practice of bondsman "allowing and enabling detainees to contact the outside
18 world" by use of cell phones and "three-way" calling on jail phone systems. He noted
19 conversations with several sheriffs and that the problem was wide-spread around the State. The
20 letter requested the Board adopt a rule making violation of a detention center's posted rules and
21 regulations a violation of the Board's rules.
22

23 Sheriff Baldwin was delayed by road conditions, but Pulaski County Sheriff, Doc Holliday, was
24 present and addressed the Board regarding the security and financial issues presented by the
25 problem. Board Investigator, Larry Peters, advised he had listened to many hours of such phone
26 conversations and agreed detention centers needed ability to maintain control and security in their
27 centers. He noted an instance of one bondsman receiving over seven thousand calls to a cell
28 phone in one month.
29

30 Tom Nickolich and Gary Edwards spoke in favor of such a rule, noting that bondsman agreed no
31 three-way phone calls would be made in return for free phone calls from inmates. Sheriff Baldwin
32 arrived and noted that crimes and even escapes had been planned and discussed in such calls. He
33 noted a Sheriff was unable to deny bondsman access to phone calls from inmates without due
34 process and a hearing.
35

36 Asst Atty General, Nancy Pryor, advised the Board had discretion to enact reasonable rules
37 necessary to regulate bondsman and their activities. She noted that statutory provisions enabling a
38 court to prohibit a bondsman from writing bonds when the court finds the bondsman has failed to
39 comply with an order of the Court would not apply to this situation. She noted the procedure the
40 Board must follow to enact rules and rule changes.
41

42 After discussion, Mr. Oudin moved that the Executive Director begin the rule making process
43 immediately, rather than waiting until the legislature adjourns; second by Mr. Sturgeon. The
44 motion carried on voice vote.
45

46 **Consent Agreement: APBBLB v. Davidde L. McIntosh/First Arkansas Bail Bonds, Inc.,**
47 **#06-059** – A consent order was presented in the referenced matter. After discussion, Mr. Sturgeon
48 moved to accept the consent order. The motion died for lack of a second; consent order was not
49 approved. Mr. Reed then related a written request from Mr. McIntosh's attorney to continue the
50 matter if the consent order was not approved. After discussion, it was agreed the matter should be
51 set for hearing after the criminal charges were heard.

1 **Public Comments:**

2 The Chairman opened the floor for public comments. There were no comments or discussion. The
3 Chairman then turned the meeting over to the hearing officer, Charles Saunders, Assistant
4 Attorney General, for the purpose of conducting scheduled hearings. Upon the conclusion of the
5 hearings, the floor was returned to the Chairman and the meeting was adjourned.
6

7 Submitted for approval: This 9th day of February, 2007, _____
8 Chairman Don Smith